

# Exhibit 17

Declaration of Ronald Waterman  
(Nov. 21, 2023)

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UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA  
BUTTE DIVISION

THE IMPERIAL SOVEREIGN COURT  
OF THE STATE OF MONTANA; ADRIA  
JAWORT; RACHEL CORCORAN; THE  
MONTANA BOOK COMPANY; IMAGINE  
BREWING COMPANY, LLC d/b/a  
IMAGINE NATION BREWING  
COMPANY; BUMBLEBEE AERIAL  
FITNESS; MONTANA PRIDE; THE  
WESTERN MONTANA COMMUNITY  
CENTER; THE GREAT FALLS LGBTQ+  
CENTER; THE ROXY THEATER; and  
THE MYRNA LOY,

Cause No. CV 23-50-BU-  
BMM

**Declaration of  
Ronald F. Waterman,  
Lewis & Clark Library  
Board of Trustees Member**

*Plaintiffs,*

vs.

AUSTIN KNUDSEN; ELSIE ARNTZEN;  
J.P. GALLAGHER; and the CITY OF  
HELENA,

*Defendants.*

I, Ronald F. Waterman, declare as follows:

1. I am over the age of eighteen years, am competent to testify as to the matters set forth herein, and I make this declaration based upon my personal knowledge and belief.
2. I am a resident of Helena, Montana.
3. I practiced law for 50 years before retiring in 2019.
4. I am a member of the Board of Trustees of Lewis & Clark Library and served as Board Chair from August 16, 2022, until August 15, 2023.
5. The Library serves all of Lewis and Clark County, Montana. It has branches in Helena, Augusta, East Helena and Lincoln, as well as a bookmobile which provides services throughout the county, throughout the year. Residents of the County use library services at no cost to them.
6. As the Chair of the Board, I presided over the monthly meetings of the Board, during which we regularly received reports from the staff about activities within the Library and issues and concerns with Library programs. This is a part of the function of the Library Board, to monitor those activities and to understand the challenges to the staff as those activities impact the annual budget for the

Library. As a member of the Board, I continue to receive and read those reports.

7. Lewis & Clark Library derives 100% of its revenue from either state or county funds.
8. Library Board Trustees meet with the Library Director and staff regularly and understand how hard library staff works planning and presenting effective and meaningful programs for library patrons of all ages and backgrounds.
9. The Library offers children's programs and story times at all branches.
10. Lewis & Clark Library has never planned to present any "Drag Story time." However, House Bill 359 has still had a chilling effect on current programming. Staff members have discussed with the Board their questions about whether anticipated programming, including children's story time, might be construed as a violation of HB 359.
11. The language in the statute uses broad and vague terms. As a result, it does not inform Library staff of what program activities

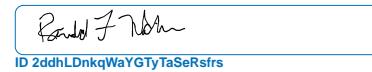
constitute a violation of the terms of the statute. Library staff has expressed difficulty in navigating this ambiguity.

12. One recent example is the annual outdoor film festival hosted by the Library Director, “The Director’s Cut.” Films for the 2023 festival were selected in the spring of 2023, before HB 359 was signed.
13. The first film chosen was the classic Billy Wilder film *Some Like It Hot*, which was scheduled to be screened on August 3, 2023.
14. Considered one of the best comedies ever made, *Some Like It Hot* features two male musicians on the run from the mob. They disguise themselves as female musicians and join an all-women jazz band.
15. It is unclear whether the screening of this film would be prohibited under HB 359, especially if shown to minors and if shown on public property, as anticipated.
16. Prior to HB 359 being enjoined, the Library Director planned to cancel this screening, even though the license to show the film was purchased, a projection company was hired, and park permits were paid for.

17. The fear of being sued, both institutionally and personally, prompted the planned cancellation.
18. Penalties, including fines, are allowable up to ten years after the program is provided, even if there was parental consent at the time. This is frightening and creates a career-spanning anxiety for Library staff.
19. It was only after HB 359 was enjoined that the Library Board of Trustees and Library Director decided to proceed with the film screening as planned.
20. As a member of the Library Board of Trustees, after reading the language of HB 359, I cannot effectively advise the Director and Library staff as to how to continue to plan and present programs to our patrons, especially children, as they have done for decades.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 21 day of November, 2023, in Helena, Montana.



Ronald F. Waterman  
ID 2ddhLDnkqWaYGTyTaSeRsfrs

Ronald F. Waterman

## eSignature Details

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Signer ID: **2ddhLDnkqWaYGTyTaSeRsfrs**  
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Sent to email: ronwaterman530@gmail.com  
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Signed at: Nov 21 2023, 8:32 am MST